

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE:

Chapter 11

**LAS UVAS VALLEY DAIRIES,
dba LAS UVAS VALLEY DAIRY,
Debtor.**

Case No. 17-12356-J11

**AMENDED MOTION OF DAVID & GUADALUPE RAMOS, D/B/A RAMOS FARMS
FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE
CLAIM PURSUANT TO 11 U.S.C. § 503(b)(9)**

David and Guadalupe Ramos, d/b/a Ramos Farms (hereinafter referred to as “Ramos Farms”), by and through its undersigned attorney, hereby requests the entry of an order pursuant to 11 U.S.C. § 503(b)(9), allowing Ramos Farms an administrative expense claim in the amount of \$51,491.70. In support of its Motion, Ramos Farms states as follows:

JURISDICTION

1. On September 15, 2017 (the “Petition Date”), the above-named debtor filed its voluntary petition for relief under title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Mexico (the “Court”).
2. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 157 and 1334(b).

This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (B). Venue is proper in this District pursuant to 28 U.S.C. § 1408 and 1409.

BACKGROUND

3. Ramos Farms regularly sold hay to Debtor, Las Uvas Valley Dairies d/b/a Las Uvas Valley Dairy, before the Petition Date.
4. In the 20 days preceding the Petition Date, Debtor received goods that Ramos Farms sold on credit to Debtor in the ordinary course of Debtor’s business. The alfalfa hay sold to

Debtor by Ramos Farms had an aggregate value of \$51,491.70 identified on the proofs of delivery attached hereto as Exhibit A.

5. As of the date of this Motion, Ramos Farms has not received payment for the Goods.

RELIEF REQUESTED

6. Ramos Farms respectfully requests that this Court allow Ramos Farms's administrative expense claim in the amount of \$51,491.70 for the Goods, pursuant to section 503(b)(9) of the Bankruptcy Code.

BASIS FOR RELIEF

7. Section 503(b)(9) of the Bankruptcy Code provides, in pertinent part, that:

After notice and a hearing, there shall be allowed, administrative expenses...[for] the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.

11 U.S.C. §503(B)(9).

8. As evidenced by the invoices and proofs of delivery hereto attached as Exhibit A, during the 20 days preceding the Petition Date, Debtor received from Ramos Farms the Goods valued in aggregate at \$57,491.70. Ramos Farms sold the Goods to Debtor on credit in the ordinary course of Debtor's business and Ramos Farms has not yet received payment for the Goods. Ramos Farms is accordingly entitled to an administrative expense claim against Debtor Law Uvas Valley Dairies in the aggregate amount of \$51,491.70.

9. Ramos Farms reserves its right to assert claims against the Debtor for amounts not contemplated by this Motion or allowed by the Court pursuant to 11 U.S.C. § 503(b)(9)

and to amend, modify, and/or supplement this request, as appropriate under the circumstances.

WHEREFORE, Ramos Farms respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit B: (i) allowing Ramos Farms's administrative expense claim in the amount of \$51,491.70 pursuant to section 503(b)(9) of the Bankruptcy Code and (ii) granting such other and further relief as may be just and proper under the circumstances.

/s/ R. "Trey" Arvizu, III
R. "Trey" Arvizu, III
Attorney for Ramos Farms
PO Box 1479
Las Cruces, NM 88004
Phone: 575-527-8600
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I CERTIFY that the foregoing was electronically filed with the Court via the CM/ECF system. All attorneys and parties identified with the Court for electronic service on the record in this case were served by electronic service in accordance with the CM/ECF system on this 7th day of November 2017.

Electronically submitted
R. "Trey" Arvizu, III

LAS UVAS VALLEY DAIRY

PAY SHEET

NON ASSOCIATION

DATE : 10/3/2017

PRODUCER
Ramos Farms

INVOICE # 13-17

| DATE | # | WT. | BALES | CUT | FEED TYPE | MOISTURE | | | | | RFV | Protein | Wt. Docks | Payable Wt. | SAMPLE NO. | Actual Price | AMOUNT |
|--------------|-------|-------|-------|-----|----------------|----------|-------|-------|-------|-----|------|---------|-----------|-------------|------------|--------------|--------|
| | | | | | | 0-15 | 16-20 | 21-25 | 26-30 | 31+ | | | | | | | |
| OFF CONTRACT | 17230 | 45200 | 33 | 5 | Field: 100-9 | | | | | | 3424 | 41776 | 711 | \$160.00 | \$3,342.06 | | |
| 9/1/2017 | | | | | Comments | | | | | | 0 | 45300 | 713 | \$160.00 | \$3,624.00 | | |
| OFF CONTRACT | 17240 | 45300 | 33 | 5 | #2 Alfalfa Hay | 33 | 0 | 0 | 0 | 0 | 3582 | 43698 | 723 | \$160.00 | \$3,495.85 | | |
| 9/4/2017 | 17298 | 38220 | 28 | 5 | #2 Alfalfa Hay | 28 | 20 | 5 | 2 | 0 | 2184 | 36036 | 717 | \$160.00 | \$2,882.88 | | |
| OFF CONTRACT | 17312 | 47200 | 33 | 5 | #2 Alfalfa Hay | 33 | 20 | 11 | 1 | 0 | 3582 | 43698 | 723 | \$160.00 | \$3,624.00 | | |
| 9/5/2017 | 17331 | 45300 | 33 | 5 | #1 Alfalfa Hay | 33 | 0 | 0 | 0 | 0 | 0 | 45300 | 730 | \$160.00 | \$3,814.40 | | |
| OFF CONTRACT | 17355 | 49600 | 35 | 5 | #2 Alfalfa Hay | 35 | 0 | 0 | 0 | 0 | 0 | 49600 | 734 | \$160.00 | \$3,968.00 | | |
| OFF CONTRACT | 17360 | 47680 | 33 | 5 | #2 Alfalfa Hay | 33 | 0 | 0 | 0 | 0 | 0 | 47680 | 748 | \$160.00 | \$3,528.32 | | |
| OFF CONTRACT | 17557 | 46000 | 32 | 5 | #1 Alfalfa Hay | 32 | 0 | 0 | 0 | 0 | 0 | 46000 | 752 | \$160.00 | \$3,680.00 | | |
| OFF CONTRACT | 17680 | 41700 | 30 | 5 | #1 Alfalfa Hay | 30 | 12 | 2 | 0 | 0 | 596 | 44104 | 756 | \$160.00 | \$3,765.87 | | |
| OFF CONTRACT | 17973 | 48860 | 36 | 6 | #1 Alfalfa Hay | 36 | 12 | 6 | 1 | 0 | 2047 | 47073 | 767 | \$160.00 | \$4,043.26 | | |
| 9/12/2017 | 17925 | 49120 | 36 | 6 | #1 Alfalfa Hay | 36 | 12 | 6 | 1 | 0 | 2047 | 47073 | 767 | \$160.00 | \$4,043.26 | | |
| OFF CONTRACT | 18016 | 54100 | 39 | 6 | #1 Alfalfa Hay | 39 | 22 | 12 | 1 | 0 | 3759 | 50541 | 771 | \$160.00 | \$4,043.26 | | |
| 9/13/2017 | 18033 | 48820 | 36 | 6 | #1 Alfalfa Hay | 36 | 18 | 8 | 0 | 0 | 2170 | 46650 | 772 | \$160.00 | \$3,732.02 | | |
| OFF CONTRACT | 18077 | 54200 | 39 | 6 | #1 Alfalfa Hay | 39 | 16 | 9 | 0 | 0 | 2535 | 52385 | 774 | \$160.00 | \$4,190.82 | | |
| 9/14/2017 | | | | | Comments | | | | | | | | | | | | |

LAS UVAS VALLEY DAIRY

PAY SHEET

NON ASSOCIATION

DATE : 10/3/2017

PRODUCER
Ramos Farms

INVOICE # 13-17

| DATE | # | WT. | BALES | CUT | FEED TYPE | 0-15 | 16-20 | 21-25 | 26-30 | 31+ | RFV | Protein | Wt. Docks | Payable Wt. | SAMPLE NO. | MOISTURE | | |
|---|---|-----|-------|-----|-----------|------|-------|-------|-------|-----|-----|---------|-----------|-------------|---------------|----------|-------|-----------------|
| | | | | | | | | | | | | | | | | Total | DOCKS | Actual Price |
| Summary for 'Q11' - 5 (14 detail records) | | | | | | | | | | | | | | | | | | |

| TOTAL WT. | AVG. WT. PER BALE | 1,398 | AVG. WT. PER BALE | \$51,391.70 |
|--------------------|-------------------|----------|-------------------|-------------|
| TOTAL WT. DOCK | AVG. PRICE PAID | \$160.00 | | |
| TOTAL WT PAYABLE | AVG. RFV | | | |
| TOTAL TONS PAYABLE | AVG. Protein | | | |

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